

TOWN OF KINGSTON



SEWER RATES, CHARGES, FEES and CIVIL PENALTIES

The Sewer Rates, Charges, Fees and Civil Penalties adopted by the Board of Sewer Commissioners are in accordance with Massachusetts General Laws: Chapter 83 Section 16.

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ARTICLE I - DEFINITIONS

ANNUAL PER GALLON SEWER USAGE FEE shall mean the amount paid, per 1,000 gallons by a property owner for the use of the Municipal Sewer System in accordance with the Fee Schedule. For the service rendered to any Town departments or agencies, the Town shall be subject to the same rates and charges as any other customer in their water service code.

APPLICATION AND PERMIT FEE FOR BUILDING CONNECTIONS shall mean the fee charged to file an application to connect a lot or building to the municipal sewer system.

BOARD shall mean the Board of Sewer Commissioners of the Town of Kingston.

BOD Biochemical Oxygen Demand shall mean the quantity of oxygen used in the biochemical oxidation of organic matter in a specified time, at a specified temperature and under specified conditions. BOD measurement is a method used to assess the strength of wastewater.

COMMERCIAL CUSTOMER shall mean a sewer user who discharges wastewater from a non-manufacturing business. Commercial users shall mean retail, establishments, restaurants, lodging, office buildings, warehouses, gas stations, etc., or contributing an average monthly flow in excess of 10,000 gallons or any industrial establishment not qualifying as an “industrial customer.”

CONNECT AND CONNECTION shall mean the actual permanent joining of a property’s building sewer to the Municipal Sewer System.

CUSTOMER CLASS The division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (residential, commercial and industrial) in the sewer rate system. The purpose of such classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics to provide an effective means of source control, and to establish a system of customer charges and fees which will ensure an equitable recovery of the cost. Town departments and agencies are subject to the same rates and charges as any other customer.

DISCONNECTION CHARGE all charges associated with removing a property connection from the Town’s wastewater collection system, including, but not limited to construction costs, police detail(s), road paving, etc.

DRAIN LAYERS LICENSE FEE shall mean the yearly fee charged for a license.

ENGINEERING CONSULTANT FEE shall mean the fee charged for consultation services.

ENTERPRISE FUND shall mean a separate financial entity from the Town’s General Fund. A fee is charged for municipal services provided. Revenues and Expenses are segregated into the Wastewater Enterprise Fund with financial statements separate from all other municipal activities.

EQUIVALENT RESIDENTIAL UNIT shall mean a measure to define a dwelling and units used to allocate Individual Betterments to property. One Equivalent Residential Unit (ERU) is equivalent to a single family home or 330 gallons per day (gpd) of estimated wastewater production.

EXCESSIVE FLOW CHARGE shall mean an additional charge for exceeding the allocated sewer flow assessed to a property.

EXCESSIVE STRENGTH CHARGE shall mean an additional charge which is billed to customers for treating sewage wastes with an average strength in excess of “normal domestic sewage.”

FLAT RATE USAGE FEE shall mean the flat rate charged to sewer customers that are not customers of the Water Department and are not billed based on metered water use. They will be billed a flat rate per Equivalent Residential Unit as determined fair and equitable by the Board of Sewer Commissioners.

GREASE TRAP CHARGE shall mean the additional charge which is billed to a property required to install a grease trap per the Town of Kingston’s Sewer Rules and Regulations. The charge is to recover the cost to administer the monitoring, inspection program and the number of grease traps connected to the wastewater collection system.

HIGH STRENGTH WASTE shall mean waste which exert loadings on the Kingston Wastewater Treatment Plant in excess of design parameters and which contain pollutants in excess of the following: BOD in excess of 250 milligrams per liter; suspended solids in excess of 300 milligrams per liter; fats, oil or grease in excess of 100 milligrams per liter; organic solvents or chemicals which may cause an excessive oxygen demand.

INDIVIDUAL BETTERMENT shall mean a special assessment tax to an individual property where the property is within a limited determinable area and receives a special benefit or advantage, other than the general advantage to the community, from the construction of the improvement (in this case sewers).

INDUSTRIAL COST ALLOCATION shall mean an Industrial user fees charged on an industrial cost allocation formula based on cost units for flow, suspended solids, and biochemical oxygen demand loadings, or chemical oxygen demand. Such costs shall be reflective of actual costs to treat and remove pollutants.

INDUSTRIAL CUSTOMER shall mean the sewer user who discharges wastewater from industrial processes, trades, or manufacturing as distinct from residential and commercial users.

INDUSTRIAL WASTES shall include the liquid or water-carried wastes of any industrial process, trade or business not clearly included in the Sewer Rules and Regulations, storm water or cooling water, even if emanating from a residence, as distinct from ordinary sanitary sewage.

KINGSTON SEWER AREA shall mean the area of the Town of Kingston provided with municipal sewers connected to the Kingston Wastewater Treatment Plant and appurtenant works which exist in public ways and private lands by means of easement to the Town of

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Kingston and connections to same system by means of an approved permit authorized by the Kingston Board of Sewer Commissioners or its authorized agent.

KINGSTON WASTEWATER TREATMENT PLANT facility located at 8 Cranberry Road, which treats wastewater received through the collection system or directly at the Plant.

LABORATORY TESTING CHARGE shall mean all costs associated with the analysis of a sample.

LIQUID WASTEWATER DISPOSAL CHARGE charges billed to an entity for the treatment of wastewater not delivered to the Kingston Wastewater Treatment Plant through the wastewater collection system.

MAY is permissive; SHALL is mandatory

MINIMUM BASE RATE flat rate charged to each customer class, in addition to the Sewer Rate.

MUNICIPAL SEWER SYSTEM shall mean a common sewer owned, operated, and maintained by the Town of Kingston within public ways or within easements granted to the Town for the Kingston Sewer Area through the Board of Sewer Commissioners, its successors or its assigns.

NORMAL DOMESTIC SEWAGE The liquid wastes (A) from the non-commercial preparation, cooling and handling of food or (B) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and/or institutions generally having strengths not exceeding 200mg/l B.O.D. and 225 mg/l suspended solids.

OPERATION AND MAINTENANCE COSTS includes all costs, direct and indirect, necessary to provide adequate wastewater collection, transport, and treatment on a continuing basis and produce discharges to receiving areas that conform with all related federal, state, and local requirements.

OTHER SERVICE CHARGES Tap charges, connection charges, area charges, and other identifiable charges, other than “customer charges,” and “excessive strength surcharges.”

NPDES PERMIT The permit issued to the sewage works under the National Pollutant Discharge Elimination System for discharge of wastewaters pursuant to Section 402 of the Federal Water Quality Act Amendments of 1972 (Public Law 92-500).

PER THOUSAND GALLONS water meter consumption gallons divided by 1,000 ex: water meter consumption is 50,000 - 50,000 divided by 1,000 is 50 thousand gallons

PERSON shall mean any individual, firm, company, association, society, corporation or group; municipal or private, government agency or other entity.

RECONNECTION CHARGE all charges associated with connecting a property to the Town’s wastewater collection system, including, but not limited to construction costs, police detail(s), road paving, etc.

REPLACEMENT COSTS The budget allowances set aside to provide for cash expenditures for procuring and installing units of equipment or reconstructing appurtenances necessary to

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maintain or regain the capacity and performance for which the treatment works were designed during their useful life.

RESIDENTIAL CUSTOMER shall mean a sewer user who discharges wastewater from a single family residential building, or individual dwelling in a multiple family building.

SEGREGATED DOMESTIC WASTES Those wastes from nonresidential customers which are generated from activities of a domestic nature and which are measurable or set apart from industrial discharges.

SEPTAGE DISPOSAL CHARGE shall mean the cost per gallon to treat waste received at the waste treatment plant through another method other than the municipal sewer pipes; typically septic haulers.

SERVICE CHARGE shall mean the amount paid per quarter in addition to the Annual per Gallon Sewer Usage Fee, also called Minimum Base Rate.

SEWER RULES AND REGULATIONS A separate and companion enactment to this document which regulates the connection to and use of public and private sewers.

SEWER RATE based on water consumption at a cost per thousand gallons, which includes Operational and Maintenance Costs and Replacement Costs to deliver and treat wastewater at the Treatment Plant and the subsequent discharge.

SHALL is mandatory; MAY is permissive

STANDARD LABORATORY PROCEDURE shall mean an assembly of analytical techniques and descriptions commonly accepted in water and wastewater treatment as found in the most recent edition of “Standard Methods for the Examination of Water and Wastewater,” published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

SUSPENDED SOLIDS shall mean solids that either float on the surface of, or are suspended in, water, sewage, or other liquids, and which are removable by laboratory filtering.

TOWN shall mean the Town of Kingston, Massachusetts acting by and through its Board of Sewer Commissioners.

WATER USAGE shall mean the volume of water used by a customer of the Kingston Water Department, as measured in gallons at the approved water meter.

ARTICLE II - OVERVIEW

The Board of Sewer Commissioners shall review the Sewer Rates, Charges, Fees and Civil Penalties to ascertain if they are fair and equitable and if they are adequate to cover the cost of operation, maintenance, and replacement of the wastewater treatment facilities. The review shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial customers, volume and delivery flowrate characteristics attributed to the various persons or customer classes, the financial position of the sewage works, and the adequacy of its revenue to provide reasonable funds for the operation, maintenance,

replacements, and capital improvements to the waste treatment systems. Currently there are 1,618 properties connected to the municipal sewer system who share in these expenses. The revenue and expenses are managed through the Wastewater Enterprise Fund.

ARTICLE III – SEWER USAGE FEE

Connections served by the Kingston Water Department Sewer Usage Fees are based on 100% of the quantity of water usage, based on water meter readings that are provided to us by the Kingston Water Department. The Board of Sewer Commissioners shall not provide separate metering of water usage and sewer usage. Any post-meter measuring by property owners, of water that does not enter the sewer system, shall not be considered by the Board in calculating sewer usage fees. Sewer Rates and Charges shall be collected from the owners or occupants of each and every lot, parcel of real estate or building that is connected with the sanitary sewer system or otherwise discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sanitary sewage system. Sewer bills are combined with the water billings (when applicable) and reflected as a separate line item on the combined bill along with the Quarterly Service Charge, which is included in the sewer charge shown. The bills are prepared by the Town of Kingston's Water Department and collected by the Town of Kingston's Collector in its normal course of business operations.

For residential and non-residential properties not served by the Kingston Water Department, Sewerage Usage Fees shall be estimated by the Board of Sewer Commissioners based on water consumption data for comparable use inside or outside the Town, in the event the property owner chooses not to install a water meter. The Board of Sewer Commissioners may obtain comparable use data from other Municipalities as appropriate. A fair and equitable flat rate will be charged quarterly as determined by the Board of Sewer Commissioners.

Allowance for water use that does not produce wastewater flow may be considered for deduction from the metered (or estimated) amount, provided this quantity of water is measured by a method approved by the Board of Sewer Commissioners. In the event there is a separate meter; Sewer Usage shall be based on 100% of the use of the domestic water (primary water meter). It will be the property owner's responsibility to pay installation and maintenance costs along with any additional reading costs, and all other fees or charges which may be imposed by the Kingston Water Department, if a separate water meter is allowed.

ARTICLE IV – ANNUAL PER GALLON SEWER USAGE FEE

The following steps are used to determine the Annual per Gallon Sewer Usage Fee for a fiscal year:

1. Determine the total revenue required to meet all costs of the Municipal Sewer System, including the costs for treatment and disposal, debt costs, direct and indirect costs and depreciation of collection system, treatment plant and departmental equipment.
2. Subtract the amount of bond debt service which is assessed through taxes by betterments or tax subsidy for payment of wastewater system costs, or add an estimate of the current year's deficit.
3. Subtract the amount of septage disposal revenue from the revenue amount required, with the difference being the *Estimated Annual Required Revenue*.

4. Estimate the total annual sewer flow that will be treated during the year. Call the result the *Estimated Annual Sewer Flow*.
5. Divide the Estimated Annual Required Revenue by the Estimated Annual Sewer Flow with the results being the *Annual per Gallon Sewer Usage Fee*.
6. The Board of Sewer Commissioners shall make, after its public hearing, such adjustments to the Annual per Gallon Sewer Usage Fee as it deems reasonable and necessary.

ARTICLE V – CALCULATING YOUR BILL

1. Multiply the Annual per Gallon Sewer Usage Fee by the water consumption gallonage indicated on your combined water/sewer bill.
2. Add the minimum *Quarterly Service Charge* to the results above for the total Sewer Usage Fee

Sewer Usage Fees for industrial or other process wastes (non-domestic) may be determined separately by the Board of Sewer Commissioners. Industrial user fees may be charged on an industrial cost allocation formula based on cost units for flow, suspended solids, and biochemical oxygen demand loadings, or chemical oxygen demand. Such costs shall be reflective of actual costs to treat and remove pollutants. Rates shall be established as needed by the Board of Sewer Commissioners or their authorized agent.

*All records of water consumption are maintained by the Town of Kingston's Water Department.

ARTICLE VI – MULTIPLE DWELLING UNITS

In the event two or more dwelling units such as mobile homes, apartments, or housekeeping rooms discharging sanitary sewage, water, or other liquids into the sewer system, either directly or indirectly, are customers of water and the quantity of water is measured by a single water meter, then in that case, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of dwelling units times the minimum base rate. In the case of mobile home courts, the numbers of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter.

ARTICLE VII – ABATEMENT REQUESTS

Requests for an abatement or reduction of the Sewer Usage Fee must be made in writing, to the Board of Sewer Commissioners. Abatements may only be considered for the current billing period. The applicant may need to reapply for each billing period. Abatements are non-transferable. Abatements may not be granted for the Quarterly Service Charge. Abatements are considered for, but not limited to, the following reasons:

1. New connections when building is connected to the Municipal Sewer System but plumbing is not complete in dwellings or buildings. Owners must notify the Board of Sewer Commissioners when plumbing is complete.

2. Property destroyed by fire or disaster which makes the structure unsuitable for occupancy and water supply is turned off at the curb stop for Town Water and, in the case of a private well; the pump shall be disconnected or disabled.
3. Vacancies of rental property for longer than 3 months with the water shut off.
4. Seasonally occupied dwellings which are customarily occupied for a portion of the year, if the vacancy lasts 3 months or longer with the water shut off.
5. Errors encountered in reading water meters.
6. Property owner provides reliable and verified justification to the Board of Sewer commissioners.
7. Fire Protection where a metered water supply is used for fire protection as well as for other uses, the Board may, in its discretion, make adjustments in the customer charge as may be equitable.

ARTICLE VIII – ALLOCATION EXCEEDED

In the event a lot, parcel of real estate, or building discharges sanitary sewage, industrial wastewater, or other liquids into the sewer system, either directly or indirectly, and uses water in excess of the yearly allocation (ex: single family house is allocated 330 gallons per day or 120,450 per year) the property owner will be contacted by the Board of Sewer Commissioners. If the property owner cannot prove, to the satisfaction of the Board, that a portion of water as measured by the water meter does not and cannot enter the sanitary sewage system, then the property owner shall pay the billed amount. When the property owner is able prove, to the satisfaction of the Board, that a portion of water as measured by the water meter does not and cannot enter the sanitary sewage system, then the property owner shall, at his/her expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the Board for the determination of sewage discharge.

ARTICLE IX –UNLAWFUL TO DISCHARGE WITHOUT PAYING RATES AND CHARGES

It shall be unlawful for any person, partnership, firm, corporation or entity to discharge waste into the sewer system owned and operated by the Town of Kingston, Massachusetts, unless the person of the sewer shall pay the Sewer Rates, Charges, Fees and/or Civil Penalties provided and adopted, by the Board of Sewer Commissioners.

ARTICLE X – DELINQUENT SEWER USAGE FEES

Collection of delinquent sewer usage fees may be enforced by the Town pursuant to the General Laws of the Commonwealth of Massachusetts, Assessment of Local Taxes Chapter 59, Section 57 and Charge for Use of Sewers Chapter 83, Section 16.

ARTICLE XI - ACTIONS

The Board shall enforce provisions of this article by any legal methods, including but not limited to:

1. Civil Action

A civil action for debt brought by the Board of Sewer Commissioners in the name of the Town of Kingston

2. Disconnecting the Property

- a) The Board of Sewer Commissioners shall estimate the cost of disconnection of such premises from the sewer system, and the cost of reconnecting it thereto, and such customer shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the sewer system. In the event such costs are paid and the premises are reconnected to the sewer system, the person in charge shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.
- b) During the period of nonconnection or disconnection, habitation of such premises by human beings may constitute a public nuisance, whereupon the Board shall cause proceedings, through the Board of Health, to be brought for the abatement of the occupancy of the premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the Town reasonable attorneys' fees and costs of suit arising in the action.

3. Obtaining an Injunction

Obtaining an Injunction against the property owner or customer to prohibit any further discharge into the sewer system of sewer wastes by the property owner, or person.

ARTICLE XIII - TYPES OF CHARGES AND FEES

The Rates, Charges, Fees and Civil Penalties charged for each wastewater customer class and/or characteristic shall be established by the Board of Sewer Commissioners and set forth in the Wastewater Department's schedule of Rates, Charges, Fees and Civil Penalties, which may include but not be limited to the following:

- Annual per Gallon Sewer Usage Fees
- Quarterly Service Charge
- Flat Rate Usage Fee
- Building Connections Application and Permit Fees
- Drain-layers License Fee
- Engineering Consultant Fee
- Disconnection Charge
- Excessive Flow Charge
- Excessive Strength Charge
- Industrial Cost Allocation
- Laboratory Testing Charge

- Grease Trap and Monitoring Charge
- Septage Disposal Charge
- Septage Hauler Late Fee
- Reconnection Charge

See Attachment A – Schedule of Sewer Rates, Charges, Fees and Civil Penalties

ARTICLE XIV - DETERMINATION OF STRENGTH, CHARACTER OF WASTES

For billing purposes, may be justly and equitably adjusted to the service rendered to customers, the Board may base its charges not only on the volume, but also on the strength and character of the stronger than normal domestic sewage and wastes which it is required to treat and dispose of. The Board may require the customer to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewage system, in the manner and by the method the Board may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The customer shall furnish a representative sampling point available to the Board at all times. All associated laboratory testing costs, incurred by the Wastewater Department, while determining the strength and content of wastes will be billed to the property owner.

ARTICLE XV - APPEAL PROCEDURE

- a) The Board of Sewer Commissioners shall make and enforce any rules and regulations as may be deemed necessary for the safe, economical, and efficient management of the sewage system, pumping stations, and sewage treatment works, for the construction and use of sewers and connections to the sewage system, and for the regulation, collection, rebating, and refunding of rates and charges, and any other rules and regulations that are necessary to carry out the purpose of this article.
- b) The Sewer Rates, Charges, Fees and Civil Penalties promulgated by the Board, shall, among other things, provide for an appeal procedure whereby a customer shall have the right to appeal a decision of the Sewer Rates, Charges, Fees and Civil Penalties to the Board of Sewer Commissioners and that any decision concerning Sewer Rates, Charges, Fees and Civil Penalties of the Board may be appealed to the Plymouth County Commissioners, Massachusetts under the appeal procedures.

ARTICLE XVI - RIGHT OF WAIVER

The Board of Sewer Commissioners reserves the right to waive any portions of these Sewer Rates, Charges, Fees and Civil Penalties which may cause undue hardship, or during emergency conditions, or in the best interest of the Town. Each request for waiver shall be made in writing to the Board of Sewer Commissioners. Nothing stated in this article shall be interpreted to mean that the Board has the right to waive any Massachusetts General Laws or State regulations referenced in these Sewer Rates, Charges, Fees and Civil Penalties, as these references are only provided to be of assistance to the applicants.

1. Validity

- a) Repeal of Conflicting Policies - All policies and Sewer Rates and Charges and Regulations of Usage Fees and Civil Penalties or parts of policies and Sewer Rates and Charges in conflict herewith are hereby repealed.

- b) Invalidation of Sections - The invalidity of any article, clause, sentence, or provisions of these Sewer Rates, Charges, Fees and Penalties shall not affect the validity of any other part of these Sewer Rates, Charges, Fees and Civil Penalties which can be given effect without such invalid part or parts.

ARTICLE XVII - MISCELLANEOUS

1. All prior rules and regulations of the Wastewater Department's Sewer Rates and Charges and Regulations of Usage Fees and Civil Penalties or parts thereof in conflict herewith are hereby repealed by the adoption of these Sewer Rates, Charges, Fees and Civil Penalties.
2. Any provisions of these Sewer Rates, Charges, Fees and Civil Penalties that are found to be unenforceable in any court of the Commonwealth of Massachusetts shall not affect the validity of any other provisions of these rules and regulations.
3. These Sewer Rates, Charges, Fees and Civil Penalties and any amendments thereto shall be in full force and effect from and after their passage, approval, recording, and publication as provided by law. These rules and regulations, including amendments thereto, are available for inspection at the office of the Town Clerk, Kingston Town Hall.

Attachment A

Schedule of Rates, Charges and Fees

USAGE FEES

- | | |
|--|---------------------------|
| 1. Annual per Gallon Sewer Usage Fees | \$10.40 per 1,000 gallons |
| *in accordance with Usage Fee Regulation, Article III, Section 2 | |
| 2. Quarterly Service Charge | \$15.00 |
| 3. Flat Rate Usage Fee | \$171.00 per quarter |
| *Per connection, per equivalent Residential Unit | |

APPLICATION AND PERMIT FEES FOR BUILDING CONNECTIONS

Residential	\$125.00 per building
Commercial	\$125.00 per request
Industrial	\$200.00 per building
Industrial w/pre-treatment	\$500.00 per building

LICENSE FEES

Drain-layers License Fee	\$100.00 per year
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INSPECTION SERVICES

Engineering Consultant Fee	Actual Cost to be determined based on project
*Engineer chosen by the Board of Sewer Commissioners	

ADMINISTRATIVE FEES

- | | |
|------------------------------------|-------------------------------------|
| 1. Disconnection Charge | all associated costs |
| 2. Excessive Flow Charge | To Be Determined by the Board |
| 3. Excessive Strength Charge | not applicable at this time |
| 4. Industrial Cost Allocation | TBD |
| 5. Laboratory Testing Charge | All associated costs |
| 6. Grease Trap Charge & Monitoring | \$85.00 for grease trap inspections |
| 7. Septage Disposal Charge | \$.065 per gallon |
| 8. *Septage Hauler Late Fee | \$35.00 per month |
| 9. Reconnection Charge | all associated costs |

*Septage Haulers will be refused disposal access to the Wastewater Treatment Plant for nonpayment of outstanding invoices.

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PENALTY

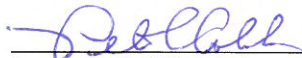
Violation of any article of these Sewer Rates, Charges, Fees and Civil Penalties shall be subject to a fine of not less than \$50 nor more than \$1,000. Each day in which a violation occurs shall be considered a separate violation.

Regulations in Force

Section 1. These rules and regulations shall be in full force and effect from and after their passage, approval, recording, and publication as provided by law.

Section 2. Passed and adopted by the Board of Sewer Commissioners, Town of Kingston, Commonwealth of Massachusetts on the 18th day of May 2015.


Elaine Fiore – Chair


Peter c. Cobb – Vice Chair

Thomas Taylor

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